

AN ORDINANCE **99586**

AUTHORIZING THE EXECUTION OF A FOOD AND BEVERAGE CONCESSION CONTRACT FOR THE MUNICIPAL AUDITORIUM BETWEEN THE CITY OF SAN ANTONIO AND FACILITY CONCESSION SERVICES d/b/a SPECTRUM ("CONCESSIONAIRE") ON A MONTH-TO-MONTH BASIS NOT TO EXCEED TEN (10) MONTHS EFFECTIVE MAY 1, 2004 AND PROVIDING FOR PAYMENT TO THE CITY OF 32.5 PERCENT OF CONCESSIONAIRE'S RECEIPTS AFTER SALES TAX.

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WHEREAS, Ordinance 95557 passed and approved on April 4, 2002 authorized the execution of a contract with Facility Concession Services d/b/a Spectrum (the "Concessionaire") to perform food and concession services at the Municipal Auditorium for a term of two years commencing on April 15, 2002 with two additional one-year renewal terms; and

WHEREAS, Concessionaire has notified the City of its desire to exercise the First Renewal Term option extending the contract for an additional year commencing on May 1, 2004 and terminating on April 30, 2005; and

WHEREAS, the City is seeking to consolidate concession services at the Municipal Auditorium and the Henry B. Gonzalez Convention Center through a Request For Proposal process prior to the proposed termination date of the First Renewal Option; and

WHEREAS, to continue food and concession services at the Municipal Auditorium and enable the City to seek consolidation of concession services, the First Renewal Option will not be exercised and instead a month-to-month contract for food and concession services at Municipal Auditorium not to exceed ten (10) months, effective May 1, 2004, paying a commission of 32.5 percent of Concessionaire's receipts after sales tax has been agreed upon by Concessionaire and City; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or her designee is hereby authorized to execute a month-to-month contract for food and concession services at Municipal Auditorium not to

exceed ten (10) months, effective May 1, 2004, paying a commission to the City of 32.5 percent of Concessionaire's receipts after sales tax with Facility Concession Services d/b/a Spectrum. A copy of the contract in substantially final form is attached to this Ordinance as Exhibit A. A true copy of the contract will be attached upon execution.

SECTION 2. The proceeds from this agreement shall be deposited into Fund 29-005 entitled "Miscellaneous Special Revenue," Index Code 021535, entitled," Auditorium Concessions."

SECTION 3. This Ordinance shall become effective on and after the tenth (10th) day after passage hereof.

PASSED AND APPROVED this 19th day of August, 2004.



M A Y O R

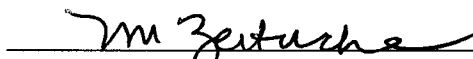
EDWARD D. GARZA

ATTEST:



City Clerk

APPROVED AS TO FORM:



for City Attorney